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MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Report of the Sixth Committee

Rapporteur: Mrs. Silvia A. FERNANDEZ de GURMENDI (Argentina)

I. INTRODUCTION

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the forty-ninth session of the General Assembly in accordance with paragraph (b) of General Assembly decision 48/411 of 9 December 1993.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Secretary-General (A/49/257 and Add.1-3), which was introduced by the Under-Secretary-General for Legal Affairs, the Legal Counsel, at the 12th meeting, on 14 October 1994.

4. The following communications were also circulated under the item:

(a) Letters dated 6 and 13 April, 26 July, 10, 13 and 19 October 1994 from the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/49/118-S/1994/401, A/49/123-S/1994/427, A/49/279, A/49/498-S/1994/1150, A/49/510-S/1994/1158 and A/49/552-S/1994/1186);

(b) Letter dated 6 April 1994 from the Permanent Representative of India to the United Nations addressed to the Secretary-General (A/49/119);

(c) Letter dated 22 June 1994 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/49/188);

(d) Letter dated 8 July 1994 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/49/224);

(e) Letter dated 12 July 1994 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General (A/49/228-S/1994/827);

(f) Letters dated 27 July and 8 August 1994 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/49/284-S/1994/890 and A/49/303-S/1994/951);

(g) Letter dated 25 June 1994 from the Minister for Foreign Affairs of Egypt to the Secretary-General, transmitting the documents of the Eleventh Ministerial Conference of the Movement of Non-Aligned Countries, held at Cairo from 31 May to 3 June 1994 (A/49/287-S/1994/894 and Corr.1);

(h) Letter dated 1 August 1994 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/49/293);

(i) Letter dated 5 August 1994 from the representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General (A/49/299-S/1994/938);

(j) Letter dated 15 September 1994 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General (A/49/422-S/1994/1086);

(k) Letter dated 17 October 1994 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General (A/49/528);

(l) Letter dated 17 October 1994 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General (A/49/532-S/1994/1179);

(m) Letter dated 17 October 1994 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/49/535).

5. At its 12th meeting, on 19 October, the Committee decided that the Rapporteur would chair informal consultations for the elaboration of a draft declaration on the item.

6. The Committee considered the item at its 12th to 15th and 39th meetings, on 14 and from 19 to 21 October and on 23 November 1994. The summary records of those meetings (A/C.6/49/SR.12-15 and 39) contain the views of the representatives who spoke during the consideration of the item.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/49/L.17

7. At the 39th meeting, on 23 November, the Chairman of the Committee introduced a draft resolution proposed by him (A/C.6/49/L.17)

8. At the same meeting, the Committee adopted draft resolution A/C.6/49/L.17 without a vote (see para. 10).

9. The representative of Sweden made a statement in explanation of position before the adoption of the draft resolution. The representatives of Israel, Pakistan, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Peru and Venezuela made statements in explanation of position after the adoption of the draft resolution (see A/C.6/49/SR.39).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Recalling its resolution 46/51 of 9 December 1991 and its decision 48/411 of 9 December 1993,

Taking note of the report of the Secretary-General, 1/

Having considered in depth the question of measures to eliminate international terrorism,

Convinced that the adoption of the Declaration on Measures to Eliminate International Terrorism should contribute to the enhancement of the struggle against international terrorism,

1. Approves the Declaration on Measures to Eliminate International Terrorism, the text of which is annexed to the present resolution;

2. Invites the Secretary-General to inform all States, the Security Council, the International Court of Justice, and the relevant specialized agencies, organizations and organisms, of the adoption of the Declaration;

3. Urges that every effort should be made so that the Declaration becomes generally known and is observed and implemented in full;

4. Urges States, in accordance with the provisions of the Declaration, to take all appropriate measures at the national and international levels to eliminate terrorism;

5. Invites the Secretary-General to follow up closely the implementation of the present resolution and the Declaration, and to submit to it at its

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1/ A/49/257 and Add.1-3.

fiftieth session a report thereon, relating, in particular, to the modalities of implementation of paragraph 10 of the Declaration;

6. Decides to include in the provisional agenda of its fiftieth session the item entitled "Measures to eliminate international terrorism", in order to examine the report of the Secretary-General requested in paragraph 5 above, without prejudice to the annual or biennial consideration of the item.

ANNEX

Declaration on Measures to Eliminate International Terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 2/ the Declaration on the Strengthening of International Security, 3/ the Definition of Aggression, 4/ the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, 5/ the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, 6/ the International Covenant on Economic, Social and Cultural Rights 7/ and the International Covenant on Civil and Political Rights, 7/

Deeply disturbed by the world-wide persistence of acts of international terrorism in all its forms and manifestations, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have a deleterious effect on international relations and may jeopardize the security of States,

Deeply concerned by the increase, in many regions of the world, of acts of terrorism based on intolerance or extremism,

Concerned at the growing and dangerous links between terrorist groups, drug traffickers and their paramilitary gangs, which have resorted to all types of

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2/ Resolution 2625 (XXV), annex.

3/ Resolution 2734 (XXV).

4/ Resolution 3314 (XXIX), annex.

5/ Resolution 42/22, annex.

6/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

7/ See resolution 2200 A (XXI), annex.

violence, thus endangering the constitutional order of States and violating basic human rights,

Convinced of the desirability for closer coordination and cooperation among States in combating crimes closely connected with terrorism, including drug trafficking, unlawful arms trade, money laundering and smuggling of nuclear and other potentially deadly materials, and bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,

Firmly determined to eliminate international terrorism in all its forms and manifestations,

Convinced that the suppression of acts of international terrorism, including those in which States are directly or indirectly involved, is an essential element for the maintenance of international peace and security,

Convinced also that those responsible for acts of international terrorism must be brought to justice,

Stressing the imperative need to further strengthen international cooperation between States in order to take and adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism that affect the international community as a whole,

Conscious of the important role that might be played by the United Nations, the relevant specialized agencies and States in fostering widespread cooperation in preventing and combating international terrorism, inter alia, by increasing public awareness of the problem,

Recalling the existing international treaties relating to various aspects of the problem of international terrorism, inter alia, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 December 1973, the International Convention against the Taking of Hostages, adopted in New York on 17 December 1979, the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988, and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991,

Welcoming the conclusion of regional agreements and mutually agreed declarations to combat and eliminate terrorism in all its forms and manifestations,

Convinced of the desirability of keeping under review the scope of existing international legal provisions to combat terrorism in all its forms and manifestations, with the aim of ensuring a comprehensive legal framework for the prevention and elimination of terrorism,

Solemnly declares the following:

I

1. The States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism, as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States;

2. Acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations, which may pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society;

3. Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them;

II

4. States, guided by the purposes and principles of the Charter of the United Nations and other relevant rules of international law, must refrain from organizing, instigating, assisting or participating in terrorist acts, in territories of other States, or acquiescing in or encouraging activities within their territories directed towards the commission of such acts;

5. States must also fulfil their obligations under the Charter of the United Nations and other provisions of international law with respect to combating international terrorism and are urged to take effective and resolute measures in accordance with the relevant provisions of international law and international standards of human rights for the speedy and final elimination of international terrorism, in particular:

(a) To refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens;

(b) To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of their national law;

(c) To endeavour to conclude special agreements to that effect on a bilateral, regional and multilateral basis, and to prepare, to that effect, model agreements on cooperation;

(d) To cooperate with one another in exchanging relevant information concerning the prevention and combating of terrorism;

(e) To take promptly all steps necessary to implement the existing international conventions on this subject to which they are parties, including the harmonization of their domestic legislation with those conventions;

(f) To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in subparagraph (a) above;

6. In order to combat effectively the increase in, and the growing international character and effects of, acts of terrorism, States should enhance their cooperation in this area through, in particular, systematizing the exchange of information concerning the prevention and combating of terrorism, as well as by effective implementation of the relevant international conventions and conclusion of mutual judicial assistance and extradition agreements on a bilateral, regional and multilateral basis;

7. In this context, States are encouraged to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter;

8. Furthermore States that have not yet done so are urged to consider as a matter of priority becoming parties to the international conventions and protocols relating to various aspects of international terrorism referred to in the preamble to the present Declaration;

III

9. The United Nations, the relevant specialized agencies and intergovernmental organizations and other relevant bodies must make every effort with a view to promoting measures to combat and eliminate acts of terrorism and to strengthening their role in this field;

10. The Secretary-General should assist in the implementation of the present Declaration, by taking, within existing resources, the following practical measures to enhance international cooperation:

(a) A collection of data on the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing, based on information received from the depositaries of those agreements and from Member States;

(b) A compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations, based on information received from Member States;

(c) An analytical review of existing international legal instruments relating to international terrorism, in order to assist States in identifying aspects of this matter that have not been covered by such instruments and could be addressed to develop further a comprehensive legal framework of conventions dealing with international terrorism;

(d) A review of existing possibilities within the United Nations system for assisting States in organizing workshops and training courses on combating crimes connected with international terrorism;

IV

11. All States are urged to promote and implement in good faith and effectively the provisions of the present Declaration in all its aspects;

12. Emphasis is placed on the need to pursue efforts aiming at eliminating definitively all acts of terrorism by the strengthening of international cooperation and progressive development of international law and its codification, as well as by enhancement of coordination and increase of the efficiency of the United Nations and the relevant specialized agencies, organizations and bodies.